

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-81

A RESOLUTION AMENDING THE PERSONEL POLICIES FOR MANAGEMENT, SUPERVISORY AND CONFIDENTIAL EMPLOYEES

WHEREAS, the newly revised Fair Labor Standards Act provides employers protection against loss of the exempt status of positions classified as exempt under the law if they adopt language as referenced in Exhibit A, (Personnel Policies for MSC, Overtime, Policy No. 8.0); and

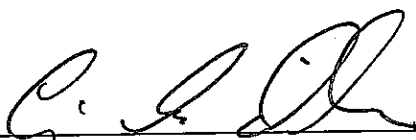
WHEREAS, the City and Library Department have determined that the operational needs of the Library require revisions in the observance and administration of holiday time for management personnel (Personnel Policies for MSC, Holidays, Policy No. 9.0).

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The revised and updated Personnel Policies for the Management Supervisory, and Confidential Group Employees as referenced in the attached Exhibit A is hereby adopted.

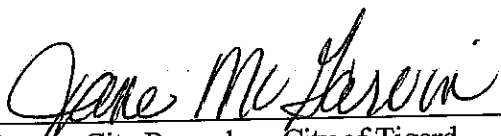
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 26th day of October 2004.



Mayor - City of Tigard

ATTEST:



Deputy City Recorder - City of Tigard

**Exhibit A – Amendments to Personnel Policies for
Management, Supervisory and Confidential Group Employees**

October 26, 2004

1. Add new language, Overtime, Policy No. 8.0:

Library Holidays

Section 1. Holidays:

- a) New Year's Day, January 1
- b) Memorial Day, Last Monday in May
- c) Independence Day, July 4
- d) Labor Day, First Monday in September
- e) Veterans Day, November 11
- f) Thanksgiving Day, Fourth Thursday in November
- g) Christmas Day, December 25
- h) Three (3) floating holidays in lieu of 1) Martin Luther King
2) President's Day 3) Friday after Thanksgiving

Section 2. Holidays will be observed on the actual day the holiday falls. For full time and part time employees not scheduled to work on the day a holiday falls, the employee will arrange with his/her supervisor to mutually schedule an alternative day off within sixty (60) days or the day of the City wide observance.

Section 3. Floating holidays will be accrued in each of the payroll periods in which the City's holiday actually occurs (see above listing of floating holidays).

Section 4. It is the responsibility of an employee who accrues a floating holiday under Section 3 to schedule the holiday time off at a time that is mutually agreeable to the employee and his/her supervisor. Any accrued but unused floating holiday time will not be lost at the end of the fiscal year.

Section 5. The employee will not be cashed out for holiday time.

2. Add new language, Holidays, Policy No. 9.0:

The City prohibits any improper deductions from the salaries of exempt employees. It is the City's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the employee should first report the matter to the City's Finance Department Payroll Section. If the matter is not resolved to the employee's satisfaction, the employee may report the matter to their Department Director and the City Finance Director. The decision of the Finance Director will be final in matters regarding allegations of improper deductions of the salaries of exempt employees. This procedure is the exclusive procedure for challenging

improper deductions under this section, and is in lieu of the grievance procedure set forth in Article 63.0, Complaint Procedure, of the City wide Personnel Policies.

An employee who has been subject to an improper deduction will be reimbursed by the City no later than the next complete payroll period following the date that the determination of the improper deduction was first made by the City. The City will make good-faith efforts to ensure compliance with the rules concerning deductions from the salaries of exempt employees in the future.